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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,848	08/06/2003	Yukihiro Katai	Q76812	6510

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EXAMINER	
MANOHARAN, VIRGINIA	
ART UNIT	**PAPER NUMBER**
1764	

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/634,848	KATAI ET AL.	
	Examiner	Art Unit	
	Virginia Manoharan	1764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 August 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-29 and 33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *10 and 27* is/are allowed.

6)☒ Claim(s) *1,3-9,11,25,26 and 33* is/are rejected.

7)☒ Claim(s) *12-24 and 28-29* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claims 25 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are rejected for the same reasons as set forth at page 3, section e) of the previous Office action.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams (4,414,341) in view of Kunst (3,649,471) and Lazet (3,713,990).

The above references are applied for the same combined reasons as set forth at page 5, first full paragraph of the previous Office action.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams (4,414,341) in view of Kunst (3,649,471) and Lazet (3,713,990) as applied to claims 1, 3-9 and 11 above, and further in view of Clavier (4,383,891).

Clavier discloses the wherein clause recited in claim 33, i.e., "wherein said inclined inner surface of said roof contains grooves". See e.g., col. 4, lines 44-49. To combine the references would have been obvious to one of ordinary skill in the art

inasmuch as all the references are directed to similar processing environment, i.e., to a process/method of distillation.

Claims 12-26 and 28-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 10 and 27 are allowed.

Applicants' arguments filed August 30, 2006 have been fully considered but they are not persuasive.

112 REJECTION:

Applicants argue that the "other solutions" of claims 25 and 26 are the "plural dopes" described in the specification at page 23, lines 23-25. However, the claims should be able to stand by themselves. Applicants cannot import limitations of the specification into a claim where no express statement of the limitation is included in the claim.

103 REJECTION:

Applicants' following arguments such as :

a)."claim I requires that the inner surface of the roof disposed on the tank body is "inclined". But the roof (20) of Lazet is not inclined (Fig.1); and

b). "..none of these references discloses... claim 6 limitation, "said at least one flash nozzle is disposed under a liquid surface of said solution in said concentrating tank" are not persuasive of patentability.

Whether the roof is inclined, as claimed or not inclined as in the prior art; and/or whether the location of the flash nozzle is on top of the liquid surface as in the prior art, as opposed to "under a liquid surface of said solution " as claimed, are of no patentable moment. The same art- recognized functions are achieved, either way. It would have been obvious to modify the structures as a matter of design choice, i.e., inclining or making straight the roof; and locating the nozzle above or below the liquid surface. Besides, the above structural limitations are of no patentable significance unless they affect the process/method in a manipulative sense. Furthermore, while the condensation occurs in the condensation zone (26), however, some condensation occurs in (18) connected to the inclined baffle member (16) of Lazet. Note col. 2, lines 1-8. Moreover, the argued "grooves" in the "inclined inner surface of said roof " is not an unobvious subject matter nor is it evidence of criticality in the art as shown by Clavier, supra.

Thus, in the absence of anything which may be "new" or unexpected result." a prima facie case of obviousness has been reasonably established by the art and has not been rebutted. Unexpected results must be established by factual evidence. Mere arguments or conclusory statements in the specification, applicants' amendments, or the Brief do not suffice. In re Linder, 457 F.2d 506, 508, 173 USPQ 356, 358 (CCPA 1872). In re Wood, 582, F.2d 638, 642, 199 USPQ 137, 140 (CCPA 1978).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Virginia Manoharan whose telephone number is 571-272-1450.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola, can be reached on 571-272-1444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VIRGINIA MANOHARAN
PRIMARY EXAMINER
ART UNIT ~~121~~ 1764